



REMARKS

This Amendment cancels claim 20; amends claims 1, 3, 7, 8, and 12; and adds new claim 21 in accordance with the original disclosure. Support for the claim amendments and new claim 21 is found, for example, in Figs. 1 and 2; in original claim 2; and in the specification at page 2, lines 2-8 and 25-30; page 3, line 33 to page 4, line 3; and page 4, lines 8-10 and 18-21. Claims 1-19 and 21 are now present in this application.

Claim 1 stands rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 4,253,535 to Kleine et al. (hereinafter "Kleine"). In view of the above amendments and the following remarks, Applicant respectfully requests reconsideration of this rejection.

Claim 1, as amended, is directed to an industrial truck having a rear weight and an internal combustion engine. The internal combustion engine is mounted on the rear weight.

As discussed in the present specification at pages 1 and 2, a problem with conventional industrial trucks is that vibrations and engine noise from the internal combustion engine are transmitted directly to the vehicle frame which are transmitted to the driver's cab. These vibrations can cause significant annoyance to the driver. In Applicant's invention, this problem is overcome by mounting the internal combustion engine directly to the rear weight so that vibrations and other engine noises are not transmitted directly into the frame but rather are directed to the rear weight. Due to its large mass, the rear weight can be excited to vibrate only to a small extent by the internal combustion engine. Thus, vibrations experienced by the driver in the driver's cab are significantly diminished using the present invention.

Kleine discloses a novelty motor vehicle which, as shown particularly in Fig. 2, includes an engine 10 mounted directly on the vehicle chassis 1 (column 3, lines 1-4). A

pair of weights 13 and 14 are also mounted on the chassis and are spaced from the engine 10. As will be appreciated, engine vibrations from the engine 10 would be transmitted directly into the chassis 1. Kleine does not teach or suggest an industrial truck in which the internal combustion engine is mounted on the rear weight. In the Kleine novelty motor vehicle, the internal combustion engine is connected directly to the chassis and the two rear weights 13 and 14 are spaced from the engine. Thus, claim 1 is not believed to be anticipated by Kleine and is believed to be in condition for allowance. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 2-6 and 8-14 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of Kleine in view of the teachings of U.S. Patent No. 6,085,858 to Wakana et al. (hereinafter "Wakana"). In view of the above amendments and the following remarks, Applicant respectfully requests reconsideration of these rejections.

Kleine has been discussed above. Wakana discloses a suspension assembly in which an engine 3 is mounted on resilient engine mounts 4. The engine 3 is attached to the frame through a torque rod 6 (column 8, lines 30-33). Again, Wakana is not directed to the field of industrial trucks. Additionally, Wakana, either alone or in combination with Kleine, does not teach or suggest an industrial truck in which an internal combustion engine is mounted on the rear weight. Therefore, claims 2-6 and 8-14, which depend from claim 1, are believed allowable for the same reasons as discussed above with respect to claim 1. Additionally, claim 3 includes the limitation that the internal combustion engine is mounted on fastening means located on the rear weight such that engine vibrations are transmitted directly to the rear weight. Claims 6, 13 and 14 include the limitation of a torque support that connects the internal combustion engine with the rear weight. Wakana specifically teaches an arrangement in which the engine is connected by a torque rod to the frame (column 8, lines 30-33). Claim 12 more specifically includes the limitation that the torque support

extends between and is connected to both the internal combustion engine and the rear weight. Again, this limitation is neither taught nor suggested in either Kleine or Wakana. Therefore, for all of the above reasons, Applicant believes claims 2-6 and 8-14, as amended, are patentable over the cited prior art and are in condition for allowance. Reconsideration of the rejections and allowance of these claims are respectfully requested.

Claim 7 stands rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of Kleine in view of the teachings of U.S. Patent No. 3,645,349 to Nichter. In view of the above amendments and the following remarks, reconsideration of this rejection is respectfully requested.

Kleine has been discussed above. Nichter discloses a tractor unit having a pair of tracks 23 and 25 driven by a hydraulic system having a reservoir 43, a gasoline engine 47, and a pair of hydraulic pumps 53 and 55 (Fig. 2). Again, Nichter, either alone or in combination with Kleine, does not teach or suggest an industrial truck in which the internal combustion engine is mounted on the rear weight. Therefore, claim 7 is believed allowable for substantially the same reasons as discussed above with respect to claim 1. Additionally, claim 7 includes the limitation of a hydraulic unit fastened to the internal combustion engine such that the hydraulic unit and internal combustion engine are mounted directly on the rear weight. It appears that the hydraulic system in Nichter is mounted on the underside or body of the tractor unit. Therefore, for all of the above reasons, Applicant believes claim 7, as amended, is patentable over the cited prior art and in condition for allowance. Reconsideration of the rejection of claim 7 is respectfully requested.

Claims 15-20 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of Kleine, Wakana, and Nichter. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

As discussed above, neither the Kleine, Wakana, nor Nichter patents, either alone or in combination, teaches or suggests an industrial truck in which the internal combustion engine is mounted on the rear weight. Therefore, claims 15-20 are believed allowable for the same reasons as discussed above with respect to claim 1, from which they depend. Reconsideration of the rejections of claims 15-20 is respectfully requested.

New claim 21 has been added in accordance with the original disclosure. Claim 21 is directed to an industrial truck having a frame, a rear weight connected to the frame, and an internal combustion engine fastened directly to the rear weight such that the internal combustion engine is carried on the industrial truck by the rear weight. Applicant does not believe these limitations are taught or suggested in the prior art of record.

In view of the above amendments and remarks, Applicant believes claims 1-19, as amended, are patentable over the cited prior art and are in condition for allowance. Reconsideration of the rejections of claims 1-19 and allowance of all of claims 1-19 and 21 are respectfully requested.

Respectfully submitted,

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